

# Naples City Council

## November 19, 2009

### Minutes

The regularly scheduled meeting of the Naples City Council for November 12, 2009 was canceled due to lack of a full quorum. The meeting was rescheduled for November 19, 2009, at 7:30 p.m. at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

#### *DATE, TIME & PLACE OF MEETING*

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds.

#### *COUNCIL MEMBERS ATTENDING*

Others attending were Kevin Ralphs, Szeth Simmons, Wes Richens, Ralph Cooley, Jim Harper, Guy Larson, Morgan Philpot, Dewey Reagan, Mark Watkins, Bruce Brown, Chris Hoem, Craig Blunt, and Nikki Kay.

#### *OTHERS ATTENDING*

Mayor Dean Baker welcomed everyone and called the meeting to order at 7:30 p.m. Mayor Baker opened the meeting with the pledge of allegiance and offered the invocation.

#### *OPENING CEREMONY*

Mayor Baker removed the request to purchase a microscope from the agenda. Craig Blunt wanted to add an agreement from Home Land Security to the agenda and also an expenditure for the shop wash bay. Kenneth Reynolds **moved** to approve the agenda with those additions. Dennis Long **seconded** the motion. The motion passed with all voting aye.

#### *AGENDA APPROVED*

Mayor Baker asked for approval of the minutes of October 22, 2009. Dan Olsen **moved** to approve the minutes of October 22, 2009 as presented. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye. Mayor Baker also presented the minutes of November 10, 2009, a special meeting held to canvass the elections. Dennis Long **moved** to approve the minutes. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

#### *MINUTES APPROVED*

The final draw request for 1000 South was presented to the Council for their approval. A change order was also submitted reflecting the light poles that were not installed by the contractor and the overrun to replace the existing fence.

#### *FINAL DRAW REQUEST FOR 1000 SOUTH - JB GORDON CONSTRUCTION*

Dennis Long **moved** to approve the final draw as presented in the amount of \$91,600.02. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

An invoice from Freightliner Company for the new dump truck was presented to the Council for their approval. The purchase of the dump truck is part of the CIB equipment loan/grant the City received. The amount of the invoice was \$65,610. Dennis Long **moved** to approve the request for payment on the dump truck. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

***PAYMENT APPROVAL  
FOR NEW DUMP TRUCK***

Connie Patton presented the bills in the amount of \$240,504.15 and asked for approval to pay them. Dan Olsen **moved** to accept the bills in the amount of \$240,504.15. Gordon Kitchen **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

***APPROVAL OF THE BILLS***

A business license application from Omega Wireline was presented to the Council for their approval. The business is located at 1340 East 1100 South. Gordon Kitchen **moved** to approve the license. Dennis Long **seconded** the motion. The motion passed with all voting aye.

***BUSINESS LICENSE  
APPROVALS***

Jim Richards submitted a request to change his business license to include his storage site, helicopter business, and his farm. The license would read James Richards **d.b.a.:** Fort Knox Storage, Dynamic Aviation, and Richards Farm. Robert

Hall **moved** to approve the business license change. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

A change of ownership for a business license was also presented to the Council for their approval. The business of USA Parts was purchased by Compressor Products International. Dennis Long **moved** to approve the change for the business license to reflect the new ownership. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

City Attorney Dennis Judd wrote a letter to the Council giving his opinion on a letter received from Attorney Morgan Philpot. Mr. Philpot represents Reagan Signs, who has requested approval to move at least two billboards located in the city limits. Reagan Signs was denied permission to move the signs by UDOT. Reagan Signs requested the City de segment certain portions of the highway in order to allow for the movement of the billboards. Craig Blunt read the letter from Mr. Judd in the Council meeting. Craig said he is waiting to receive information from the State for clarification on the definition of off premise monument signs for businesses. The Council took the letter from Mr. Judd as information and no action was taken on the matter.

***UPDATED INFORMATION  
REGARDING THE  
MOVEMENT OF  
BILLBOARDS***

Wes Richens from Gold Cross Ambulance came before the Council to give them information about the local ambulance service. Mr. Richens said in 2009 they went to a complete electronic system for their reports. Mr. Richens said 72% of their calls from the beginning of the year have been 911 calls. He said they do about 18% in ambulance transfers. Mr. Richens told the Council that they have seven full time employees and twenty-six part time employees. Mr. Richens asked if the Council had any questions. Councilman Long wanted to know if they have any trouble with addresses. Mr. Richens said it would be much better if the houses were marked better. Mayor Baker wanted to know about the percentage of calls, if there seemed to be a greater number of calls at any particular time. Mr. Richens said the calls seem to fluctuate with the change of the seasons more than the time of day or night. Mr. Richens stated that most of their income comes from transfers to the Wasatch front. Mayor Baker thanked him for taking the time to come and give the Council an update.

***UPDATE FROM WES  
RICHENS - GOLD CROSS  
AMBULANCE***

Council members received copies of Vernal City's cable

***CONSIDERATION OF***

franchise and telecommunications ordinances. Craig Blunt explained that the ordinances were for the Council to review and help determine where to make changes to existing ordinances regarding cable and telecommunication. Craig explained that the agreements with Bresnan Communication and Strata Networks have not been received by the City. Craig said the intent was to have the Council review the presented ordinances and be ready to give input at the next Council meeting. Craig said he would like to adopt the ordinances and agreements at the December 10 Council meeting.

***ORDINANCE FOR CABLE  
F R A N C H I S E  
AGREEMENTS***

Resolution 09-218, a bond resolution for purchase of a loader and dump truck, was presented to the Council for their approval. Dan Olsen **moved** to adopt Resolution 09-218. Robert Hall **seconded** the motion. The motion passed as follows:

***RESOLUTION 09-218  
BONDS FOR EQUIPMENT  
PURCHASE***

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Resolution 09-216 submitting application for renewal of the City's enterprise zone was given to Council for their approval. Dan Olsen **moved** to adopt Resolution 09-216. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call:

***RESOLUTION 09-216  
S U B M I T T I N G  
APPLICATION FOR  
ENTERPRISE ZONE***

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Resolution 09-217 ratifying the application for an enterprise zone was also presented to the Council. Dan Olsen **moved** to adopt Resolution 09-217. Robert Hall **seconded** the motion. The motion passed as follows:

***RESOLUTION 09-217  
RATIFYING THE  
ENTERPRISE ZONE  
APPLICATION***

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Two bids were received for the surplus playground equipment that was removed from Naples park. Gordon Kitchen and Kenneth Reynolds submitted bids for the equipment. Dennis Long **moved** to accept the high bid of \$1,130 from Kenneth Reynolds. Dan Olsen **seconded** the motion. The motion passed with a majority vote. Gordon Kitchen and Kenneth Reynolds both abstained from the vote.

***ACCEPTANCE OF BID  
FOR PLAYGROUND  
EQUIPMENT***

Jim's Tree Removal Service submitted a bid for removal of trees at the intersection of Hwy. 40 and SR 45. Craig Blunt explained the City would pay to have the trees removed and be reimbursed by UDOT. Robert Hall **moved** to approve the contract with Jim's Tree Removal Service in the amount of \$3,500. Dan Olsen **seconded** the motion. The motion passed with the following vote:

***APPROVAL OF CONTACT  
FOR TREE REMOVAL***

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

**Road Department** - Jim Harper asked for approval to expend \$3,300 for three pallets of crack seal. Dennis Long **moved** to approve the expenditure. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call vote:

***A P P R O V A L     O F  
EXPENDITURES***

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Jim Harper requested approval to expend funds to purchase new street signs and cones in the amount of \$2,366 plus shipping. Gordon Kitchen **moved** to approve up to \$2,650 for cones and shipping. Dennis Long **seconded** the motion. The motion passed as follows:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

A bead dispenser for the painter was also requested by Jim

Harper. The cost for the dispenser would be \$1,000. Kenneth Reynolds **moved** to approve up to \$1,000 for the purchase. Dennis Long **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Jim Harper asked for approval to outfit the new loader with safety lights. He said the cost for a strobe light and front and rear lights would be \$1,070. Dan Olsen **moved** to expend the money. Kenneth Reynolds **seconded** the motion. The motion passed as follows:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

**Police Department** - Chief Watkins reported that the cost to repair the Charger came in higher than what was originally approved. Chief Watkins said \$800 was approved at the previous meeting and the actual cost was \$916.45. Robert Hall **moved** to approve the additional fee. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Chief Watkins asked for approval to expend \$1,380 for the purchase of laptop computers. He said this would finish off the CCJJ grant. Dan Olsen **moved** to approve the expenditure for the computers. Dennis Long **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye

Robert Hall                      Aye

Chief Watkins asked for approval to replace one of the officer's vests in the amount of \$705. He said they also have a grant for this purchase. Robert Hall **moved** to approve the request. Dan Olsen **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

**Government Building** - Craig Blunt asked for approval to purchase ceiling panels for the wash bay at the new equipment storage building. He felt the panels would resolve some of the water issues. Councilman Hall wanted to know if the City would be installing the panels. Craig said they would. The amount requested for the panels was \$1,976.73. Gordon Kitchen **moved** to approve the purchase. Robert Hall **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Chief Watkins reported to the Council that he has been researching information to lease police vehicles. He obtained information from Ken Garff on estimated costs and asked the Council to consider the program. Chief Watkins explained that Vernal City currently participates in the lease program with Ken Garff. Chief Watkins said that each vehicle comes with the police package and would need to have a camera, radio, and radar installed. Chief Watkins obtained costs on SUV's because of the K-9 equipment and the equipment needed by Officer Ray for truck inspections. Chief Watkins wanted to look into this program because of the warranties associated with a leased vehicle. He explained that there is not a savings on cost per vehicle but the savings would come in vehicle maintenance. Chief Watkins explained that he would like to keep the Durangos and one of the Chargers, he wouldn't be able to get the full market value right now for the Charger. Chief Watkins said they have been offered

#### ***DISCUSSION ON LEASE OF POLICE VEHICLES***

\$64,500 for trade in and the cost for the first year lease for the cars listed would be \$49,146. He told the Council that there is \$47,000 in the police sinking fund. Councilman Kitchen said he felt it was a good idea and there were many positive aspects. Chief Watkins said he would be able to cut his vehicle maintenance budget by quite a bit if they were to consider this. Chief Watkins was asking for Council approval to move forward with the program. Mayor Baker said it was hard to consider doing this many vehicles at one time. Chief Watkins said you would be paying the same amount each year one way or the other and this would keep a cleaner rotation schedule. He also noted that the longer each vehicle is kept there is the potential for large maintenance costs. Gordon Kitchen **moved** to allow the Chief to proceed with obtaining the final figures and to move forward with the lease program. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Chief Watkins asked for approval to send Officer Tatangelo to Salt Lake to attend an interview and interrogation training. He stated this would be a week long training for basic and advanced interview and interrogation. The request for training and travel was \$715. Kenneth Reynolds **moved** to approve \$715 for the training for Joe Tatangelo. Dennis Long **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Chief Watkins also asked approval to send Kim Kay to POST for drug testing certification. Chief Watkins said Kim is the evidence room custodian and he would like to see her trained in this area. The request was for \$801.72. Robert Hall **moved** to approve \$801.72. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Chris Hoem gave the Council recommended changes to the

### ***TRAVEL APPROVAL***

### ***R E C O M M E N D E D***



Land Use Ordinance. Chris said the Planning Commission has been reviewing these chapters since the beginning of the summer. Chris said the Planning Commission added the misdemeanor and penalty provisions to chapter 02-01 and took out the section dealing with trees. Ken Reynolds **moved** to approve the changes recommended by the Planning Commission to chapter 02-01. Dennis Long **seconded** the motion. The motion passed with all voting aye on a roll call vote. Mayor Baker asked Chris to make a note in the Land Use Ordinance as to when the changes were approved.

***CHANGES TO LAND USE  
ORDINANCE CHAPTERS  
02-01, 02-03, & 02-08***

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Chris explained the changes made in chapter 02-03. Chris said a change was made to the section on conditions for approval. He said every proposed development requires a public hearing, except for minor residential subdivisions which are eight dwelling units or less. The ordinance currently states nine units. Craig said this is only if they are facing an existing road. A change was made to the notification requirements. Chris said he copied what is required in state law and added that all changes be posted at the City office. He reduced the distance requirement from 1000' to 500' except for annexations. Dan Olsen **moved** to approve the recommended changes to chapter 02-03. Ken Reynolds **seconded** the motion. The motion passed with all voting aye on roll call:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Chris said in chapter 02-28 he took out the light industrial/residential zone. He said he clarified the permitted use for an agricultural farm in an industrial zone. Chris said the landscaping requirements were added to this chapter to agree with the others. Councilman Kitchen questioned the term of "solid waste storage facilities." After a discussion it was decided to take out the paragraph mentioning solid waste and if the Planning Commission wants to clarify it they can bring it back to the Council. Kenneth Reynolds **moved**

to approve the recommended changes to chapter 02-28 with the deletion of the paragraph regarding solid waste storage facilities. Dennis Long **seconded** the motion. The motion passed with all voting aye in a roll call vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Chris Home gave the Council the Planning Commission recommendation regarding a recent rezone request. Chris said the Commission held a public hearing to consider a rezone request in Brooklane subdivision. The request was to change the zone from R-1 to RA-1. Chris said the Planning Commission recommendation was to approve the request for the change. Chris explained the differences in the two zones. Chris said the petition request was headed by Bruce Brown, who felt the zone was changed without proper notification. Bruce Brown approached the Council and explained why he made the request for the change. He also asked the Council to consider refunding the money he paid for the rezone hearing. He didn't believe the zone should have ever been changed in the first place and didn't think people were notified of the change. Robert Hall **moved** to approve the recommendation of the Planning Commission and to change the zone back to an RA-1 in the Brooklane subdivision. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Mayor Baker said they do the best they can in notifying people of changes, the system is not always perfect but they do the best they can. The Council did not take any action on the request for a refund of the funds paid by Mr. Brown to request the rezone.

Craig Blunt told the Council he was not comfortable with the wording of the encroachment permit agreement with Vernal City on the 500 South water and sewer project. Craig said there is still come issue about the usage of the pipe on 500

***PLANNING COMMISSION  
RECOMMENDATION FOR  
REZONE REQUEST***

***ENCROACHMENT  
PERMIT FOR 500 SOUTH***

south. Craig said his concern was with the wording on page two of the permit that says, "the City of Naples may request to use Vernal City's 500 South drainage pipe to convey the 500 South surface water drainage from the Naples area into Vernal City's completed storm water line. Vernal City shall first determine capacity and capability for Vernal City's line to accept any of Naples City's storm water drainage from 500 South. If it is determined that such capacity and capability exist, Naples City and Vernal City shall first enter into an Interlocal agreement providing for such." Craig said in his discussions with the engineers for the project, it was determined that the pipe is adequate in size but the retention area is not. Craig said he was concerned with all the "mays" in the agreement. Craig told the Council that the sewer and drainage lines will go along the south side of the road so Craig questioned the engineer to where Naples City will be able to run any future lines if they are not able to use their pipe on 500 South. Craig would like to change the wording of the agreement to read "the City of Naples **shall be allowed to use** the Vernal City's 500 South drainage pipe..." Craig said he was also concerned about the total construction of 500 South stopping on the west side of highway 40. Craig wanted to make sure the rest of 500 South was brought back up to City standards when the project was complete and he was not happy that Vernal was in control of the capacity. Councilman Kitchen said he was concerned that this was not a joint venture at all and the interests of Naples City have not been considered. Councilman Olsen said to send the agreement back with our requests and they can approve that. Craig wanted the paragraph discussed to read that the City shall be allowed to use the pipe. Councilman Kitchen said the City is willing to cooperate but not if the City has no input. Dan Olsen **moved** to change the language of the agreement as discussed and return it to Vernal City. Robert Hall **seconded** the motion. The motion passed with all voting aye.

Ryan Cook submitted a request to use the Council room for a Hunter Safety class. Mayor Baker noted that the Council agreed previously to allow the use of the Council room with the stipulation that Ryan make sure the building is cleaned and locked up afterward. Council members also wanted to make sure no food or drink was allowed in the Council room. Kenneth Reynolds **moved** to allow Ryan Cook to use the Council room as discussed as long as it doesn't conflict with any other meetings. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

***APPROVAL FOR USE OF  
COUNCIL ROOM***

Mayor Baker asked the Council to approve sending a letter to the local Senators and Representatives asking for their help in the oil drilling permit process. Gordon Kitchen **moved** to support the County's efforts in the oil and gas permitting process in the form of a letter signed by the Mayor. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

***LETTER TO SENATORS  
AND REPRESENTATIVES***

**Animal Control SSD** - Councilman Olsen said the SSD received a grant to pave the parking lot at the animal shelter.

***ADMINISTRATIVE AND  
SPECIAL SERVICE  
DISTRICT UPDATES***

**Fire Suppression SSD** - Councilman Hall reported that the budget has been cut for the Fire Suppression SSD, but less than other areas. Councilman Hall also said the Naples Department is next in line for a new truck which should hopefully happen next year.

**Health Services SSD** - Councilman Hall said the CIB has approved funds for a Golden Age Center to be built near the University.

**Uintah Recreation SSD** - Councilman Kitchen said the play equipment at the Naples park should be installed the Monday before Thanksgiving and they will hold a ribbon cutting ceremony. Councilman Kitchen also asked about the jackets for the park workers. Craig said they have been ordered and he will followup to see when they will be ready.

**Uintah Impact Mitigation SSD** - Councilman Long told the Council that the scholarships awarded to local residents were done on a 70/30 split with the Technology Center, but this next year they will be given out on a 50/50 split.

Morgan Philpot with Reagan Signs asked to address the Council. Mr. Philpot said he had some concern with the letter received from Dennis Judd and read by Craig previously in the meeting. Mr. Philpot said he never meant to convey any type of threat. He said his intent was to convey his legal theories and theories surrounding the statutes. Mr. Philpot said they very much appreciate the time and attention the City has given their company. He said they have no intent nor desire to litigate the matter. He told the Council they would like to find some form of compromise with the City. Councilman Long told Mr. Philpot that the last paragraph of his letter to the City sounded like they were going to pursue legal action. Mr. Philpot said he apologized if that is the way it came across. Mr. Philpot said whenever their company

***REAGAN SIGN GROUP  
COMMENTS***

finds itself in litigious situations with other cities, it is always a last resort and is a matter of protecting things they can't lose. He doesn't feel like they are in that situation with Naples. He wants to find something that works for the City and for them. Mr. Philpot said if it is interpreted that a prevention (like the movement of the billboards) because of scenic byways, then it, in effect, triggers, for the City, a condemnation. Councilman Long pointed out that in Mr. Philpot's letter he stated the Governor is in support of the City making its own decisions. He wanted to know if the City moved forward with segmenting and someone attacked the City for it, what guarantee would there be for the City because nothing is in writing. Mr. Philpot said the meeting with the Governor arose out of the fact that the scenic byway committee came out and expressed that funding might be denied if the City segmented. Mr. Philpot said they have always had the theory that they cannot do that and they have tried to show through record that Congress has stated that no action can be taken against a City for segmentation. He believes that means the byway committee can't threaten funding. Councilman Long wanted to know how long the City has been located in a scenic byway. Mr. Philpot said since 2005. Councilman Long said the City has never seen any funding in that time from the committee. Craig Blunt stated it was because the City didn't know it was available. Mayor Baker said he understands it is a touchy situation and difficult to get to a point where both parties are comfortable. Mr. Philpot introduced Dewey Reagan, President of Reagan Signs. Mr. Reagan said he wanted to follow up on what Mr. Philpot said, they do not want to litigate this and would like to find a solution that could meet both their needs. Mr. Reagan said he doesn't know for a fact that the byway committee has threatened funding to the City, but he doesn't believe the City has received any funding from them to this date. Craig said he felt like the scenic byway committee was in support of the City's efforts to gain control of what happens in the City in relation to this matter. Mayor Baker was hoping the legislature could help them sort through some of this and know which direction to take. Mr. Reagan wanted to know what the City's concern was about segmenting. Mr. Reagan was not opposed to helping to improve the property near the motel where one of the billboards is located. Mayor Baker said the City is not moving very fast because of the ramifications that could happen either way. He said the City wants to make sure things are done in the correct manner. Councilman Kitchen asked about the time frame for Reagan signs in relation to Mark Browns'

property. Mr. Dewey said that if, or until, the City of Naples decides to segment that property he can't solve Mr. Brown's problem. Mr. Reagan said they have done a lot of research on this matter and said they have not found anywhere that funding was denied because someone chose to segment. Mr. Reagan said they would be glad to provide that information and research to the City. Mayor Baker thanked Mr. Philpot and Mr. Reagan for coming.

Dan Olsen **moved** to go into a closed session to discuss the character, professional competence, physical or mental health of an individual (UCA 52-4-205(1)(a) and pending or reasonably imminent litigation. Robert Hall **seconded** the motion. The motion passed with all voting aye on roll call.

***CLOSED SESSION***

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

At 10:35 p.m. Dan Olsen **moved** to go out of a closed session. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Craig Blunt gave Council members a proposal to redo the roof on the gazebo at the roadside park. The proposal was from 1<sup>st</sup> Green Lawns and would match the roof on the City office building. The bid was for \$3,200. Kenneth Reynolds **moved** to redo the roof on the gazebo. Dennis Long **seconded** the motion. The motion passed with the following vote:

***PROPOSAL FOR ROOF ON  
GAZEBO AT ROADSIDE  
PARK***

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Dan Olsen **moved** to set a public hearing for December 10, 2009 at 8:00 p.m. for the purpose of receiving comment on road equipment bonds to be issued. Gordon Kitchen **seconded** the motion. The motion passed with all voting affirmatively.

***SET PUBLIC HEARING  
FOR EQUIPMENT BOND***

Craig Blunt presented the Council with the Homeland Security Grant Program Articles of Agreement. Craig explained that

***HOMELAND SECURITY  
AGREEMENT***

the agreement has to be signed each year in order to qualify for grant funding through Homeland Security. Craig was not comfortable with how some of the agreement was worded. After some discussion it was **moved** by Dan Olsen to have the Mayor execute the agreement. Dennis Long **seconded** the motion. The motion passed with a majority vote:

Gordon Kitchen	Nay
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

With no other business before the Council, Dennis Long **moved** to adjourn the meeting at 10:45. Dan Olsen **seconded** the motion. The meeting was adjourned

***MOTION TO ADJOURN***

APPROVED BY COUNCIL ON THE 10<sup>th</sup> DAY OF DECEMBER 2009

BY: \_\_\_\_\_

ATTEST: \_\_\_\_\_